

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  DAIRYLAND POWER COOPERATIVE	DOCKET NO. E-21394
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**ORDER GRANTING EXTENSION OF FRANCHISE**

(Issued June 3, 1999)

On May 4, 1998, Dairyland Power Cooperative (Dairyland) filed a petition, identified as Docket No. E-21394, with the Utilities Board for a franchise to erect, maintain, and operate 39.56 miles of 72,500-volt maximum voltage electric transmission line in Winneshiek County for the transmission, distribution, use, and sale of electric current for lighting, power, and heating purposes pursuant to IOWA CODE Chapter 478 (1999). The franchise sought would constitute an extension of Franchise No. 13556, previously granted on May 10, 1973, in Docket No. E-16901, pursuant to IOWA CODE § 478.13.

**CONCLUSION OF LAW**

The Utilities Board has authority pursuant to IOWA CODE Chapter 478 (1999) to grant franchises for the construction, erection, maintenance, and operation of certain electric transmission lines outside the cities in the State.

**FINDINGS OF FACT**

1. The Utilities Board has jurisdiction of the parties and subject matter pursuant to IOWA CODE Chapter 478 (1999).

2. No objections have been filed as provided for by IOWA CODE Chapter 478 (1999).

3. Due notice on the petition was made as provided by law.

4. Consent has been filed as provided by law.

5. The transmission lines are necessary to serve a public use. This conclusion is based on information provided pursuant to IOWA CODE Chapter 478 (1999).

6. The transmission lines represent a reasonable relationship to an overall plan of transmitting electric energy in the public interest. This conclusion is based on information provided pursuant to IOWA CODE Chapter 478 (1999).

7. The transmission lines meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of IOWA CODE Chapter 478 (1999).

8. Interests in real estate, where necessary, have been acquired for use by Dairyland, and the right of eminent domain is not required.

### **ORDERING CLAUSES**

#### **IT IS THEREFORE ORDERED:**

1. The petition shall be granted and a franchise issued to Dairyland Power Cooperative to construct, erect, operate, and maintain an electric transmission line as specifically described in the franchise attached to this order and incorporated by this reference.

2. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to IOWA CODE Chapter 478 (1999) and may at any time during the period of the franchise make such further orders as may be necessary.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr. \_\_\_\_\_  
Executive Secretary

Dated at Des Moines, Iowa, this 3<sup>rd</sup> day of June, 1999.

## **FRANCHISE NO. 17330**

On May 4, 1998, Dairyland Power Cooperative (Dairyland) filed a petition, identified as Docket No. E-21394, with the Utilities Board for a franchise to erect, maintain, and operate 39.56 miles of 72,500-volt maximum voltage electric transmission line in Winneshiek County for the transmission, distribution, use, and sale of electric current for lighting, power, and heating purposes pursuant to IOWA CODE Chapter 478 (1999). The franchise sought would constitute an extension of Franchise No. 13556, previously granted on May 10, 1973, in Docket No. E-16901, pursuant to IOWA CODE § 478.13.

Upon notice in accordance with IOWA CODE Chapter 478 (1999), the Board found the petition should be granted and a franchise issued to Dairyland.

Pursuant to the order of the Board and IOWA CODE Chapter 478 (1999), this franchise is issued and permission and authority are granted to Dairyland to erect, maintain, and operate a transmission line on routing specifically described for the transmission, distribution, use, and sale of electric current outside cities and town and for such purpose to erect, use, and maintain poles, wires, guy wires, towers, cables, conduits, and other fixtures and appliances necessary for conducting electric current for light, heat, and power, over, along, and across any public lands, highways, streams, or the lands of any person, company, or corporation and to acquire necessary interest in real estate for such purposes on and along the route particularly described in Exhibit A, attached to and incorporated by reference in this franchise.

This franchise is granted for a period of 25 years from the date of issuance unless revoked, modified, or terminated pursuant to IOWA CODE Chapter 478 (1999). This franchise shall be subject to and governed by all provisions, conditions, and

requirements of IOWA CODE Chapter 478 (1999) and by all provisions, conditions, and requirements of the Utilities Board, as may be applicable.

The use of the right of eminent domain is not necessary and, therefore, not included by the Board in its order granting this franchise.

It is provided and understood this franchise is granted subject to the provisions of IOWA CODE § 319.5 (1999).

It is further provided and is a condition of this franchise that the Board retain jurisdiction and may at any time during the period of this franchise make such further orders and regulations as may be necessary.

**UTILITIES BOARD**

/s/ Allan T. Thoms  
Chairman

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

Dated at Des Moines, Iowa, this 3<sup>rd</sup> day of June, 1999.